

REMARKS

Claims 1-25 and 27-29 are pending in this application. By this Amendment, claims 6-7 and 20-23 are amended. Various amendments are made to the claims for clarity and are unrelated to issues of patentability.

Entry of the amendments is proper under 37 C.F.R. §1.116 because the amendments: (1) place the application in condition for allowance for the reasons set forth below; (2) do not raise any new issues requiring further search and/or consideration; and/or (3) place the application in better form for an appeal should an appeal be necessary. More specifically, the above amendments are merely for clarity and therefore no further search and/or consideration is necessary. Entry is proper under 37 C.F.R. §1.116.

The Office Action rejects claims 21-25 and 28 under 35 U.S.C. §102(e) over U.S. Patent 6,317,609 to Alperovich et al. (hereafter Alperovich). The Office Action also rejects claims 1-17, 19-20, 27 and 29 under 35 U.S.C. §103(a) over Alperovich in view of U.S. Patent 6,061,566 to Friman. Still further, the Office Action rejects claim 18 under 35 U.S.C. §103(a) over Alperovich in view of Friman and further in view of U.S. Patent 6,493,553 to Rollender. The rejections are respectfully traversed with respect to the pending claims.

Independent claim 1 recites setting up a control path and transferring bearer information through the set up control path. Independent claim 1 also recites setting up a bearer path between the origination BSC and the termination BSC by using the bearer information. Still further, independent claim 1 recites transferring real time video data of at least one of the

origination side mobile station and the termination side mobile station between the origination BSC and the termination BSC through the set up bearer path without using traffic resources of the MSC.

Applicant respectfully submits that independent claim 1 relates to two paths, namely a set up control path and a set up bearer path. Independent claim 1 further recites transferring bearer information and real time video data through the control path and the bearer path, respectively. Neither Alperovich nor Friman teach or suggest the claimed set up control path and the set up bearer path. Further, neither Alperovich nor Friman teach or suggest the claimed transferring through the claimed control path and bearer path. Therefore, applicant respectfully submits that the Office Action fails to show references that teach or suggest all the features of independent claim 1. Applicant further submits that Alperovich and Friman may not be simply combined as alleged in the Office Action.

The Office Action attempts to combine Alperovich and Friman to find the claimed features. Applicant respectfully submits that the combination is improper and is further based on impermissible hindsight. Applicant also submits that the combination, even if properly made, still does not teach or suggest all the claimed features. The Office Action also does not provide sufficient information regarding how the two different references may be combined. For at least these reasons, the Office Action fails to make a *prima facie* case of obviousness.

Alperovich relates to a procedure for setting up a call connection by routing between MSCs of different networks. For example, Alperovich discloses transmitting a digital image 355

through the Internet 230 as well as setting up a call using a circuit switch connection 440 shown in FIG. 4 between MSC/VLR 14a and MSC/VLR 14b. See Alperovich's col. 5, line 58-col. 6, line 10. The Office Action states that real time video data is transferred through a set up bearer path (alleged to correspond to the circuit switch connection 440) without using traffic resources of MSC. The Office Action cites Alperovich's col. 3, lines 33-53. However, Alperovich clearly shows that the digital image 355 pass through the MSC/VLR 14a and that the circuit switch connection 440 is provided from the MSC/VLR 14a. In other words, both of the transmissions involve the MSC/VLR 14a. Thus, Alperovich clearly does not teach "transferring real time video data...through the set up bearer path without using traffic resources of the MSC" as recited in independent claim 1.

Further, Alperovich also does not teach or suggest a MSC controlling the originating and termination BSCs when a call is set up between an origination side mobile station and a termination side mobile station. That is, Alperovich's MSC/VLR 14a does not control the BSC 23a and the BSC 23b when a call is set up between a calling MS 20a and a called MS 20b. Additionally, Alperovich's MSC/VLR 14b does not control the BSC 23a and the BSC 23b when a call is set up between a calling MS 20a and a called MS 20b. Applicant respectfully submits that Alperovich should not be used as a primary reference against independent claim 1 since the features of independent claim 1 clearly relate to operations of the origination and termination BSCs, which are controlled by the MSC when a call is set up between the origination side mobile

station and the termination side mobile station. Alperovich clearly does not suggest these features and therefore should not be used as a primary reference.

The Office Action states that Alperovich does not teach the claimed setting up the control path and setting up the bearer path (using the bearer information). The Office Action (on page 5) then appears to cite Friman as teaching a communication link 21 between a first BSC and a second BSC. See Friman's FIG. 4. However, the communication link 21 is provided to avoid routing calls through a MSC (and transcoder units TRCU) when two different base station systems are under control of one MSC. See Friman's col. 4, lines 9-19 and lines 52-56. This disclosure does not correspond with Alperovich's FIG. 4 and therefore the combination is improper.

Applicant respectfully submits that the combination of references is improper. More specifically, Alperovich clearly relates to communication between BSCs under control of different MSC/VLRs. In contrast, Friman relates to two base station systems under the control of one MSC. Therefore, if Alperovich were modified based on Friman, then Friman's communication link 21, at best, would be coupled to Alperovich's BSC 23a. Thus, such a modification of Alperovich as alleged in the Office Action would expressly avoid Alperovich's circuit switch connection 440 and transmission of digital image 355 through the Internet 230. Therefore, the alleged modification based on Friman would destroy the express purpose of Alperovich including features cited in the Office Action. For at least these reasons, the alleged combination is improper.

The alleged combination does not teach or suggest "setting up a control path," "transferring bearer information...through the set up control path," "setting up a bearer path... by using the bearer information" and "transferring real time video data ...through the set up bearer path without using traffic resources of the MSC" as recited in independent claim 1.

For at least the reasons set forth above, the applied references do not teach or suggest all the features of independent claim 1. Thus, independent claim 1 defines patentable subject matter.

Independent claim 14 recites a router coupled to form a direct bearer channel corresponding to a bearer path between the origination BSC and the termination BSC to allow for real time transfer of video data. Independent claim 14 further recites that bearer information to set up the bearer path is transferred between the origination BSC and the termination BSC through control paths between the origination BSC, the termination BSC and the MSC, the control paths being different than the bearer path. Still further, independent claim 14 recites that real time video data of at least one of the origination device and the termination device is transferred between the origination BSC and the termination BSC through the formed direct bearer channel without using traffic resources of the MSC. For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 14. Thus, independent claim 14 defines patentable subject matter.

Still further, independent claim 20 recites that bearer information to establish the direct link is transferred between the origination BSC and the termination BSC through control paths

between the origination BSC, the termination BSC and the MSC, the control paths being different than the direct link. Independent claim 20 also recites that the real time video data of at least one of the origination and termination mobile stations is transferred between the origination BSC and the termination BSC through the direct link without setting up a traffic path through the MSC. For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 20. Thus, independent claim 20 defines patentable subject matter.

Still further, independent claim 21 recites transferring bearer information along control paths between an origination base station controller (BSC) and a termination BSC through the set up call to set up a bearer path between the origination and termination BSC, portions of the control paths being different than the bearer path. Still further, independent claim 21 recites transferring real time video data through the set up bearer path. Still further, independent claim 21 recites that transferring the bearer information includes transferring bearer information of the termination BSC to the origination BSC along the control paths, and transferring a response to the bearer information from the origination BSC to the termination BSC, to form the bearer path. For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 21. Accordingly, independent claim 21 defines patentable subject matter.

For at least the reasons set forth above, each of independent claims 1, 14, 20 and 21 defines patentable subject matter. Each of the dependent claims depends from one of the

Serial No. **09/960,359**
Reply to Office Action of June 28, 2006

Docket No. **K-0262**

independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-25 and 27-29 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
FLESHNER & KIM, LLP



David C. Oren
Registration No. 38,694

P.O. Box 221200
Chantilly, Virginia 20153-1200
(703) 766-3701 DYK:DCO/kah

Date: September 28, 2006

Please direct all correspondence to Customer No. 34610